

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
		214		overturned the results of a mayoral election after reviewing the absentee ballots cast for said election, resulting in a loss for appellant incumbent based on the votes received from appellee voters. The incumbent appealed, and the voters cross-- appealed. In the meantime, the trial court stayed enforcement of its judgment pending	challenged the judgment entered by the trial court arguing that it impermissibly included or excluded certain votes. The appeals court agreed with the voters that the trial court should have excluded the votes of those voters for the incumbent who included an improper form of identification with their absentee ballots. It was undisputed that at least 30 absentee voters who voted for the incumbent provided with			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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				resolution of the appeal.	their absentee ballots a form of identification that was not proper under Alabama law. As a result, the court further agreed that the trial court erred in allowing those voters to somewhat "cure" that defect by providing a proper form of identification at the trial of the election contest, because, under those circumstances, it was difficult to conclude that those voters made an honest effort to comply with the law. Moreover, to			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					count the votes of voters who failed to comply with the essential requirement of submitting proper identification with their absentee ballots had the effect of disenfranchising qualified electors who choose not to vote but rather than to make the effort to comply with the absentee-voting requirements. Affirmed.			
Gross v. Albany County Bd. of Elections	Supreme Court of New York, Appellate Division, Third Department	10 A.D.3d 476; 781 N.Y.S.2d 172; 2004 N.Y. App. Div. LEXIS	August 23, 2004	Appellant candidates appealed from a judgment entered by the supreme court, which partially	The candidates argued that the Board violated a federal court order regarding the election. The appellate court	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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		10360		granted the candidates' petition challenging the method used by respondent Albany County Board of Elections for counting absentee applications and ballots for the office of Albany County Legislator, 26th and 29th Districts, in a special general election required by the federal courts.	held that absentee ballots that were sent to voters for the special general election based solely on their applications for the general election were properly voided. The Board had no authority to issue the ballots without an absentee ballot application for the special general election. Two ballots were properly invalidated as the Board failed to retain the envelopes. Ballots were properly counted for voters who failed to			

011051

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					identify their physician on their applications. A ballot was properly counted where the Board failed to scrutinize the sufficiency of the reason for the application. A ballot containing two signatures was properly rejected. A ballot was properly rejected due to extraneous marks outside the voting square. A ballot was properly counted despite the failure of the election inspector to witness the voter's signature. A ballot was			

011052

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					properly counted as the application stated the date of the voter's absence. A ballot was properly counted as the failure to date the application was cured by a time stamp. Affirmed.			
Erlandson v. Kiffmeyer	Supreme Court of Minnesota	659 N.W.2d 724; 2003 Minn. LEXIS 196	April 17, 2003	Petitioners, representing the Democratic--Farmer--Labor Party, brought an action against respondents, the Minnesota Secretary of State and the Hennepin County Auditor, seeking relief	The appellate court found that, while it may have seemed unfair to the replacement candidate to count votes for other candidates from regular absentee ballots on which the replacement candidate did not appear, those were properly cast ballots voting for a properly	No	N/A	No

011053

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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				in regard to the election for United States Senator, following the death of Senator Wellstone. The issue concerned the right of absentee voters to obtain replacement ballots. Individuals intervened on behalf of the Republican Party. The instant court granted review.	nominated candidate. Petitioners' request that the Minnesota supreme court order that votes for United States Senator cast on regular absentee ballots not be counted was denied. A key issue was Minn. Stat. § 204B.41 (2002), which provided, in--part, that official supplemental ballots could not be mailed to absent voters to whom ballots were mailed before the official supplemental ballots were			

011054

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					prepared. The supreme court held that, by treating similarly-situated voters differently, § 204B.41 violated equal protection guarantees and could not even survive rational basis review. For voters who cast their regular absentee ballots for Wellstone before the vacancy occurred, but were unable to go to their polling place on election day or pick up a replacement ballot by election day, the prohibition on			

011055



EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					mailing replacement ballots in § 204B.41 denied them the right to cast a meaningful vote for United States Senator. The petition of petitioners was denied in part, but granted with respect to mailing replacement ballots to all applicants for regular absentee ballots who requested a replacement ballot.			
People v. Deganutti	Appellate Court of Illinois, First District, Third Division	348 Ill. App. 3d 512; 810 N.E.2d 191; 2004 Ill. App.	May 12, 2004	Defendant appealed from a judgment of the circuit court, which convicted	Defendant went to the voters' homes and obtained their signatures on absentee ballot	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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		LEXIS 518		defendant on charges of unlawful observation of voting and on charges of absentee ballot violations in connection with the completion and mailing of the absentee ballots of two voters.	request forms. Once the ballots were mailed to the voters, defendant returned to the homes. With voter one, defendant sat on the couch with the voter and instructed which numbers to punch on the ballot. With voter two, defendant provided a list a numbers and stood nearby as voter two completed the ballots. Defendant then looked at the ballot and had voter two re-- punch a number that had not			

011057

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					punched cleanly. Defendant then put the ballots in the mail for the voters. On appeal, she argued insufficient evidence to sustain her convictions. The court affirmed, holding that (1) the circumstantial evidence surrounding defendant's presence as the voters completed their ballots supported the unlawful observation convictions; (2) the fact that defendant knowingly took the voters ballots			

011058

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					and mailed them, a violation of Illinois law supported her conviction, and (3) the fact that the statutes defendant was convicted under required only a knowing mental state rather than criminal intent did not violate substantive due process. Affirmed.			
Jacobs v. Seminole County Canvassing Bd.	Supreme Court	773 So. 2d 519; 2000 Fla. LEXIS 2404	December 12, 2000	In an election contest, the First District court of appeal certified a trial court order to be of great public importance and to require	Prior to the general election, two political parties mailed preprinted requests for absentee ballots to registered voters in Seminole County.	No	N/A	No

011059

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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				immediate resolution by the supreme court. The trial court denied appellants' request to invalidate absentee ballot requests in Seminole County in the 2000 presidential election.	Forms mailed by one party failed to include either a space for the voter identification number or the preprinted number. Representatives from that party were allowed to add voter identification numbers to request forms after they were returned, and absentee ballots were sent to the persons named on the request forms. The supreme court affirmed the trial court's refusal to invalidate the			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					<p>ballot requests, and adopted the trial court's reasoning that the information required, which included the voter identification number, was directory rather than mandatory. The trial court properly found that the evidence did not support a finding of fraud, gross negligence, or intentional wrongdoing. Allowing one party to correct ballots did not constitute illegal disparate treatment because there was no need to correct the</p>			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					other party's forms. Affirmed.			
Gross v. Albany County Bd. of Elections	Court of Appeals of New York	3 N.Y.3d 251; 819 N.E.2d 197; 785 N.Y.S.2d 729; 2004 N.Y. LEXIS 2412	October 14, 2004	Appellant candidates sought review from an order of the Appellate Division, which affirmed a trial court order holding that absentee ballots from a special general election were not to be canvassed because respondent Albany County Board of Elections failed to follow the set procedure for those voters.	Due to a challenge to a redistricting plan, the Board was enjoined from conducting primary and general elections for certain county districts. A special primary election was directed, with a special general election to be held "expeditiously thereafter." Absentee ballot requests for the first special election were based on prior requests, but new requests had to be	No	N/A	No

011062

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					made for the general election. However, the Board forwarded absentee ballots for that election as well, based on the prior requests. Candidates in two close races thereafter challenged those absentee ballots, as they violated the procedure that was to be followed. The trial court held that the ballots should not be canvassed, which decision was affirmed on appeal. On further review due to dissenting opinions, the			



EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					court found that the ballots were in violation of the federal court order that directed the procedure to be followed, as well as in violation of New York election law. The court concluded that the Board's error was not technical, ministerial, or inconsequential because it was central to the substantive process, and the voters who used absentee ballots were not determined to be "duly qualified electors." Affirmed.			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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In re Canvass of Absentee Ballots of Nov. 4, 2003 Gen. Election	Supreme Court of Pennsylvania	577 Pa. 231; 843 A.2d 1223; 2004 Pa. LEXIS 431	March 8, 2004	A county elections board voided certain absentee ballots cast in the November 4, 2003, general election. The court of common pleas held that absentee ballots delivered by third persons were valid and should be counted. The commonwealth court affirmed the trial court's decision. The state supreme court granted allocatur. Appellants and appellees were certain	The absentee ballots at issue were hand-delivered to the county elections board by third persons on behalf of non--disabled voters. On appeal, the issue was whether non--disabled absentee voters could have third persons hand--deliver their ballots to the elections board where the board indicated that the practice was permitted. The state supreme court concluded that the "in person" delivery requirement was mandatory, and	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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				candidates and voters.	that absentee ballots delivered in violation of the provision were invalid, notwithstanding the board's erroneous instructions to the contrary. Under the statute's plain meaning, a non--disabled absentee voter had two choices: send the ballot by mail, or deliver it in person. Third--person hand--delivery of absentee ballots was not permitted. To ignore the law's clear instructions regarding in--person delivery			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					would undermine the statute's very purpose as a safeguard against fraud. The state supreme court concluded that its precedent was clear, and it could not simply ignore substantive provisions of the Pennsylvania Election Code. The judgment of the Commonwealth Court was reversed in so far as it held that certain absentee ballots delivered on behalf of non-disabled absentee voters were valid.			
In re Canvass of	Commonwealth Court of	839 A.2d 451; 2003	December 22, 2003	The Allegheny County	On appeal, the issue was whether	No	N/A	No

011067

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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Absentee Ballots of November 4, 2003	Pennsylvania	Pa. Commw. LEXIS 963		Elections Board did not allow 74 challenged third--party hand--delivered absentee ballots to be counted in the statewide general election. The court of common pleas of Allegheny County reversed the Board's decision and allowed the 74 ballots to be counted. Appellant objecting candidates appealed the trial court's order.	non-disabled voters who voted by absentee ballots and had those ballots delivered by third parties to county election boards could have their ballots counted in the statewide general election. First, the appellate court concluded that political bodies had standing to appeal. Also, the trial court did not err by counting the 74 ballots because absentee voters could not be held responsible for following the statutory			

011068

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					requirements of Pennsylvania election law where the Board knowingly failed to abide by the statutory language regarding the delivery of absentee ballots, changed its policy to require voters to abide by the language, and then changed its policy back to its original stance that voters did not have to abide by the statutory language, thereby misleading absentee voters regarding delivery requirements.			

011069

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					Under the circumstances, it was more important to protect the interest of the voters by not disenfranchising them than to adhere to the strict language of the statute. However, one ballot was not counted because it was not delivered to the Board. Affirmed with the exception that one voter's ballot was stricken.			
United States v. Pennsylvania	United States District Court for the Middle District of Pennsylvania	2004 U.S. Dist. LEXIS 21167	October 20, 2004	Plaintiff United States sued defendant Commonwealth of	The testimony of the two witnesses offered by the United States did not support its	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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				Pennsylvania, governor, and state secretary, claiming that overseas voters would be disenfranchised if they used absentee ballots that included the names of two presidential candidates who had been removed from the final certified ballot and seeking injunctive relief to address the practical implications of the final certification of the slate of candidates so	contention that voters protected by the Uniformed and Overseas Citizens Absentee Voting Act would be disenfranchised absent immediate injunctive relief because neither witness testified that any absentee ballots issued to UOCAVA voters were legally incorrect or otherwise invalid. Moreover, there was no evidence that any UOCAVA voter had complained or otherwise expressed concern regarding their ability or			



EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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				late in the election year.	right to vote. The fact that some UOCAVA voters received ballots including the names of two candidates who were not on the final certified ballot did not ipso facto support a finding that Pennsylvania was in violation of UOCAVA, especially since the United States failed to establish that the ballot defect undermined the right of UOCAVA voters to cast their ballots. Moreover, Pennsylvania had			

011072

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					adduced substantial evidence that the requested injunctive relief, issuing new ballots, would have harmed the Pennsylvania election system and the public by undermining the integrity and efficiency of Pennsylvania's elections and increasing election costs. Motion for injunctive relief denied.			
Hoblock v. Albany County Bd. of Elections	United States District Court for the Northern District of New York	341 F. Supp. 2d 169; 2004 U.S. Dist. LEXIS 21326	October 25, 2004	Plaintiffs, candidates and voters, sued defendant, the Albany County, New York,	An election for members of the Albany County Legislature had been enjoined, and special	No	N/A	No

011073

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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				Board of Elections, under § 1983, claiming that the Board violated plaintiffs' Fourteenth Amendment rights by refusing to tally the voters' absentee ballots. Plaintiffs moved for a preliminary injunction.	primary and general elections were ordered. The order stated that the process for obtaining and counting absentee ballots for the general election would follow New York election law, which required voters to request absentee ballots. However, the Board issued absentee ballots for the general election to all persons who had applied for an absentee ballot for the cancelled election. The voters used absentee ballots			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					to vote; their ballots were later invalidated. A state court determined that automatically sending absentee ballots to those who had not filed an application violated the constitution of New York. The district court found that the candidates' claims could have been asserted in state court and were barred by res judicata, but the voters were not parties to the state court action. The candidates were not entitled to joinder and had			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					not filed a motion to intervene. The voters established a likelihood of success on the merits, as the Board effectively took away their right to vote by issuing absentee ballots and then refusing to count them. The voters' claims involved more than just an "unintended irregularity." The candidates' claims were dismissed, and their request for joinder or to intervene was denied. Plaintiffs' motion for a preliminary injunction preventing the			

011076

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					Board from certifying winners of the election was granted.			
Griffin v. Roupas	United States Court of Appeals for the Seventh Circuit	385 F.3d 1128; 2004 U.S. App. LEXIS 21476	October 15, 2004	In a suit brought by plaintiff working mothers against defendants, members of the Illinois State Board of Elections, alleging that the United States Constitution required Illinois to allow them to vote by absentee ballot, the mothers appealed from a decision of the United States District	The mothers contended that, because it was a hardship for them to vote in person on election day, the U.S. Constitution required Illinois to allow them to vote by absentee ballot. The district court dismissed the mothers' complaint. On appeal, the court held that the district court's ruling was correct, because, although it was possible that the	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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				Court for the Northern District of Illinois, Eastern Division, which dismissed their complaint for failure to state a claim.	problems created by absentee voting might be outweighed by the harm to voters who would lose their vote if they were unable to vote by absentee ballot, the striking of the balance between discouraging fraud and encouraging voter turnout was a legislative judgment with which the court would not interfere unless strongly convinced that such judgment was grossly awry. The court further held that Illinois			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					law did not deny the mothers equal protection of the laws, because the hardships that prevented voting in person did not bear more heavily on working mothers than other classes in the community. Finally, the court held that, although the length and complexity of the Illinois ballot supported an argument for allowing people to vote by mail, such argument had nothing to do with the problems faced by working mothers. It			



EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					applied to everyone. Affirmed.			
Reitz v. Rendell	United States District Court for the Middle District of Pennsylvania	2004 U.S. Dist. LEXIS 21813	October 29, 2004	Plaintiff service members filed an action against defendant state officials under the Uniformed and Overseas Citizens Absentee Voting Act, alleging that they and similarly situated service members would be disenfranchised because they did not receive their absentee ballots in time. The parties entered into a	The court issued an order to assure that service members and other similarly situated service members who were protected by the UOCAVA would not be disenfranchised. The court ordered the Secretary of the Commonwealth of Pennsylvania to take all reasonable steps necessary to direct the county boards of elections to accept as timely received absentee	No	N/A	No

011080

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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				voluntary agreement and submitted it to the court for approval.	ballots cast by service members and other overseas voters as defined by UOCAVA, so long as the ballots were received by November 10, 2004. The ballots were to be considered solely for purposes of the federal offices that were included on the ballots. The court held that the ballot needed to be cast no later than November 2, 2004 to be counted. The court did not make any findings of liability against			

011081

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					the Governor or the Secretary. The court entered an order, pursuant to a stipulation between the parties, that granted injunctive relief to the service members.			
Bush v. Hillsborough County Canvassing Bd.	United States District Court for the Northern District of Florida	123 F. Supp. 2d 1305; 2000 U.S. Dist. LEXIS 19265	December 8, 2000	The matter came before the court on plaintiffs' complaint for declaratory and injunctive relief alleging that defendant county canvassing boards rejected overseas absentee state ballots and federal write--in ballots based	Plaintiff presidential and vice--presidential candidates and state political party contended that defendant county canvassing boards rejected overseas absentee state ballots and federal write--in ballots based on criteria inconsistent with the Uniformed	No	N/A	No

011082

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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				on criteria inconsistent with federal law, and requesting that the ballots be declared valid and that they should be counted.	and Overseas Citizens Absentee Voting Act. Because the state accepted overseas absentee state ballots and federal write--in ballots up to 10 days after the election, the State needed to access that the ballot in fact came from overseas. However, federal law provided the method to establish that fact by requiring the overseas absentee voter to sign an oath that the ballot was mailed from outside the United States and requiring the state			

011083

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					election officials to examine the voter's declarations. The court further noted that federal law required the user of a federal write--in ballot to timely apply for a regular state absentee ballot, not that the state receive the application, and that again federal law, by requiring the voter using a federal write--in ballot to swear that he or she had made timely application, had provided the proper method of proof. Plaintiffs withdrew as moot			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					their request for injunctive relief and the court granted in part and denied in part plaintiffs' request for declaratory relief, and declared valid all federal write--in ballots that were signed pursuant to the oath provided therein but rejected solely because the ballot envelope did not have an APO, FPO, or foreign postmark, or solely because there was no record of an application for a state absentee ballot.			
Kolb v.	Supreme Court	270	March 17,	Both petitioner	Both petitioner	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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Casella	of New York, Appellate Division, Fourth Department	A.D.2d 964; 705 N.Y.S.2d 746; 2000 N.Y. App. Div. LEXIS 3483	2000	and respondent appealed from order of supreme court, determining which absentee and other paper ballots would be counted in a special legislative election.	and respondent, presumably representing different candidates, challenged the validity of particular paper ballots, mostly absentee, in a special legislative election. The court affirmed most of the trial court's findings, but modified its order to invalidate ballots improperly marked outside the voting square--ballots where the signature on the envelope differed substantially from the voter			

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Absentee Balloting Cases

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					<p>registration card signature----and ballots where voters neglected to supply statutorily required information on the envelopes. However, the court, seeking to avoid disenfranchising voters where permissible, held that ballots were not invalid where applications substantially complied with statute, there was no objection to the ballots themselves, and there was no evidence of fraud. Where absentee</p>			



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Absentee Balloting Cases

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					ballot envelopes contained extra ballots, the ballots were to be placed in a ballot box so that procedures applicable when excess ballots are placed in a ballot box could be followed. Order modified.			
People v. Woods	Court of Appeals of Michigan	241 Mich. App. 545; 616 N.W.2d 211; 2000 Mich. App. LEXIS 156	June 27, 2000	Defendant filed an interlocutory appeal of the decision by the circuit court, which denied defendant's request for a jury instruction on entrapment by estoppel, but stayed the proceedings to allow defendant to	Defendant distributed and collected absentee ballots in an election. Because both defendant and his brother were candidates on the ballot, defendant's assistance was illegal under Michigan law. Bound over for trial on election	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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				pursue the interlocutory appeal, in a criminal action alleging violations of election laws.	fraud charges, defendant requested a jury instruction on entrapment by estoppel, which was denied. On interlocutory appeal, the appellate court reversed and remanded for an entrapment hearing, holding that defendant should be given the opportunity to present evidence that he unwittingly committed the unlawful acts in reasonable reliance upon the word of the township clerk. The necessary			

011089

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					elements of the entrapment defense were: (1) a government official (2) told the defendant that certain criminal conduct was legal; (3) the defendant actually relied on the official's statements; (4) the defendant's reliance was in good faith and reasonable in light of the official's identity, the point of law represented, and the substance of the official's statement; and (5) the prosecution would be so unfair as to			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					violate the defendant's right to due process. Denial of jury instruction was reversed because the trial court did not hold an entrapment hearing; remanded for an entrapment hearing where defendant could present elements of the entrapment by estoppel defense.			
Harris v. Florida Elections Canvassing Comm'n	United States District Court for the Northern District of Florida	122 F. Supp. 2d 1317; 2000 U.S. Dist. LEXIS 17875	December 9, 2000	Plaintiffs challenged the counting of overseas absentee ballots received after 7 p.m. on election day, alleging the	The court found Congress did not intend 3 U.S.C.S. § 1 to impose irrational scheduling rules on state and local canvassing officials, and did	No	N/A	No

011091

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				ballots violated Florida law.	not intend to disenfranchise overseas voters. The court held the state statute was required to yield to the Florida Administrative Code, which required the 10-day extension in the receipt of overseas absentee ballots in federal elections because the rule was promulgated to satisfy a consent decree entered by the state in 1982.			
Weldon v. Berks County Dep't of Election Servs.	United States District Court for the Eastern District of Pennsylvania	2004 U.S. Dist. LEXIS 21948	November 1, 2004	Plaintiffs, a congressman and a state representative, filed a motion seeking a preliminary	The congressman and representative sought to have the absentee ballots at issue set aside until a hearing could be held to	No	N/A	No

011092

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				injunction or temporary restraining order that would prohibit defendant county department of election services from delivering to local election districts absentee ballots received from any state, county, or city correctional facility.	determine whether any of the straining order denied. CASE SUMMARY: PROCEDURAL POSTURE: Plaintiffs, a congressman and a state representative, filed a motion seeking a preliminary injunction or temporary restraining order that would prohibit defendant county department of election services from delivering to local election districts absentee ballots received from any state,			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					<p>county, or city correctional facility as provided in Pa. Stat. Ann. tit. 25, § 3416.6 and Pa. Stat. Ann. tit. 25, § 3416.8.</p> <p><b>OVERVIEW:</b> The congressman and representative sought to have the absentee ballots at issue set aside until a hearing could be held to determine whether any of the ballots were delivered to the county board of elections by a third party in violation of Pennsylvania law, whether any of the ballots were</p>			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					submitted by convicted incarcerated felons in violation of Pennsylvania law, and whether any of the ballots were submitted by qualified voters who were improperly assisted without the proper declaration required by Pennsylvania law. The court concluded that an ex parte temporary restraining order was not warranted because there were potential jurisdictional issues, substantial questions			



EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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					concerning the alleged violations, and the complaint did not allege that the department acted or threatened to act in an unlawful manner. The court denied the ex parte motion for a temporary restraining order. The court set a hearing on the motion for preliminary injunction.			
Qualkinbush v. Skubisz	Court of Appeals of Illinois, First District	822 N.E.2d 38; 2004 Ill. App. LEXIS 1546	December 28, 2004	Respondent appealed from an order of the circuit court certifying mayoral election results for a city in which the court	Respondent first claimed the trial court erred in denying his motion to dismiss with respect to 38 votes the Election Code was preempted by and	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				declared petitioner mayor.	violated the Voting Rights Act and the Americans with Disabilities Act of 1990 since it restricted the individuals with whom an absentee voter could entrust their ballot for mailing. The appeals court found the trial court did not err in denying the motion to dismiss, as Illinois election law prevented a candidate or his or her agent from asserting undue influence upon a disabled voter and from manipulating that			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>voter into voting for the candidate or the agent's candidate, and was designed to protect the rights of disabled voters.</p> <p>Respondent had not established that the federal legislature intended to preempt the rights of state legislatures to restrict absentee voting, and, particularly, who could return absentee ballots.</p> <p>The Election Code did not violate equal protection principles, as the burden placed</p>			

011098

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					upon absentee voters by the restriction on who could mail an absentee ballot was slight and nondiscriminatory and substantially contributed to the integrity of the election process. Affirmed.			
Panio v. Sunderland	Supreme Court of New York, Appellate Division, Second Department	14 A.D.3d 627; 790 N.Y.S.2d 136; 2005 N.Y. App. Div. LEXIS 3433	January 25, 2005	In proceedings filed pursuant to New York election law to determine the validity of certain absentee and affidavit ballots tendered for the office of 35th District Senator, appellants, a chairperson of	The question presented was whether the county election board should count the six categories of ballots that were in dispute. After a review of the evidence presented, the appeals court modified the trial court's order by:	No	N/A	No

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EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				the county Republican committee and the Republican candidate, both sought review of an order by the supreme court to count or not count certain ballots. Respondent Democratic candidate cross-- appealed.	(1) deleting an order directing the county elections board (board) to count 160 affidavit ballots tendered by voters who appeared at the correct polling place but the wrong election district, as there were meaningful distinctions between those voters who went to the wrong polling place and those voters who went to the correct polling place but the wrong election district; (2) directing that the board not count			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					10 affidavit ballots tendered in the wrong election district because of a map error, as there was no evidence that the voters in this category relied on the maps when they went to the wrong election districts; and (3) directing the board to count 45 absentee ballots tendered by poll workers, as it appeared that the workers substantially complied with the statute by providing a written statement that was the functional			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					equivalent of an application for a special ballot. Order modified and judgment affirmed.			
Pierce v. Allegheny County Bd. of Elections	United States District Court for the Western District of Pennsylvania	324 F. Supp. 2d 684; 2003 U.S. Dist. LEXIS 25569	November 13, 2003	Plaintiff voters sought to enjoin defendant election board from allowing three different procedures for third--party absentee ballot delivery, require the set aside of all absentee third--party delivered ballots in connection with the November 2003 election, prohibit those	Intervenor political committees also moved to dismiss for lack of standing, lack of subject matter jurisdiction, and failure to state a claim, as well as abstention. Inter alia, the court found that abstention was appropriate under the Pullman doctrine because: (1) construction of Pennsylvania election law was not clear	No	N/A	No

011102

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				ballots from being delivered to local election districts after having been commingled with other absentee ballots, and convert a temporary restraining order to an injunction.	regarding whether the absentee ballot provision requiring hand--delivery to be "in person" was mandatory or directory; (2) the construction of the provision by state courts as mandatory or directory could obviate the need to determine whether there had been a Fourteenth Amendment equal protection violation; and (3) erroneous construction of the provision could disrupt very important state voting rights policies.			

011103



EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					However, the court had a continuing duty to consider the motion for temporary restraining order/preliminary injunction despite abstention. The court issued a limited preliminary injunction whereby the 937 hand--delivered absentee ballots at issue were set aside as "challenged" ballots subject to the election code challenge procedure. Any equal protection issues could be heard in state			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					court by virtue of the state court's concurrent jurisdiction.			
Friedman v. Snipes	United States District Court for the Southern District of Florida	345 F. Supp. 2d 1356; 2004 U.S. Dist. LEXIS 23739	November 9, 2004	Plaintiff registered voters sued defendant state and county election officials under § 1983 for alleged violations of their rights under 42 U.S.C.S. § 1971(a)(2)(B) of the Civil Rights Act, and the First and Fourteenth Amendments to the United States Constitution. The voters	The voters claimed they timely requested absentee ballots but (1) never received the requested ballot or (2) received a ballot when it was too late for them to submit the absentee ballot. The court held that 42 U.S.C.S. § 1971(a)(2)(B) was not intended to apply to the counting of ballots by those already deemed qualified to vote. The plain meaning of §	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				moved for a temporary restraining order (TRO) and/or preliminary injunction. The court granted the TRO and held a hearing on the preliminary injunction.	1971(a)(2)(B) did not support the voters' claim that it should cover an error or omission on any record or paper or any error or omission in the treatment, handling, or counting of any record or paper. Further, because Florida election law only related to the mechanics of the electoral process, the correct standard to be applied here was whether Florida's important regulatory interests justified the restrictions imposed on their			

011106

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					First and Fourteenth Amendment rights. The State's interests in ensuring a fair and honest election and counting votes within a reasonable time justified the light imposition on voting rights. The deadline for returning ballots did not disenfranchise a class of voters. Rather, it imposed a time deadline by which voters had to return their votes. So there was no equal protection violation.			

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EAC Voting Fraud-Voter Intimidation Preliminary Research  
Absentee Balloting Cases

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Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					Preliminary injunction denied.			

011108

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
United States v. Madden	United States Court of Appeals for the Sixth Circuit	403 F.3d 347; 2005 U.S. App. LEXIS 5326	April 4, 2005	Defendant appealed his conviction for violating the federal vote--buying statute. He also appealed the sentence imposed by the United States District Court for the Eastern District of Kentucky at Pikeville. The district court applied the U.S. Sentencing Guidelines Manual (Guidelines) § 3B1.1(c) supervisory--role	Defendant paid three people to vote for a local candidate in a primary election. The same ballot contained candidates for the U.S. Senate. While he waived his right to appeal his conviction, he nonetheless asserted two arguments in seeking to avoid the waiver. He first posited that the vote buying statute prohibited only buying votes for federal candidates----a prohibition not	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				enhancement and increased defendant's base offense level by two levels.	violated by his conduct. In the alternative, he stated if the statute did criminalize buying votes for state or local candidates, then the statute was unconstitutional. Both arguments failed. Defendant argued that applying the supervisory--role enhancement constituted impermissible double counting because the supervision he exercised was no more than necessary to			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>establish a vote-buying offense. That argument also failed. Defendant next argued that the district court erred by applying the vulnerable--victim enhancement under U.S. Sentencing Guidelines Manual § 3A1.1(b)(1). He acknowledged that he knew the mentally ill people who sold their votes were vulnerable, but maintained they were not victims because they received \$50 for</p>			

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EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					their votes. The vote sellers were not victims for Guidelines purposes. The district court erred. Defendant's appeal of conviction was dismissed. Defendant's sentence was vacated, and the case was remanded for resentencing.			
United States v. Slone	United States Court of Appeals for the Sixth Circuit	411 F.3d 643; 2005 U.S. App. LEXIS 10137	June 3, 2005	Defendant pled guilty to vote buying in a federal election. The United States District Court for the Eastern District of	Defendant offered to pay voters for voting in a primary election. Defendant claimed that the vote buying statute did not apply to him	No	N/A	No

011112

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				Kentucky sentenced defendant to 10 months in custody and recommended that the sentence be served at an institution that could accommodate defendant's medical needs. Defendant appealed his conviction and sentence.	because his conduct related solely to a candidate for a county office. Alternatively, defendant asserted that the statute was unconstitutional because it exceeded Congress' enumerated powers. Finally, defendant argued that the district court erred when it failed to consider his medical condition as a ground for a downward departure at sentencing. The			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					appellate court found that the vote buying statute applied to all elections in which a federal candidate was on the ballot, and the government need not prove that defendant intended to affect the federal component of the election by his corrupt practices. The facts admitted by defendant at his guilty-plea hearing established all of the essential elements of an			

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EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>offense. The Elections Clause and the Necessary and Proper Clause combined to provide Congress with the power to regulate mixed federal and state elections even when federal candidates were running unopposed. There was no error in the district court's decision on departure under U.S. Sentencing Guidelines Manual § 5H1.4. Defendant's conviction and</p>			

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EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					sentence were affirmed.			
United States v. Smith	United States Court of Appeals for the Sixth Circuit	139 Fed. Appx. 681; 2005 U.S. App. LEXIS 14855	July 18, 2005	Defendants were convicted of vote buying and conspiracy to buy votes. The United States District Court for the Eastern District of Kentucky entered judgment on the jury verdict and sentenced defendants. Defendants appealed.	One of the defendants was a state representative who decided to run for an elected position. Defendants worked together and with others to buy votes. During defendants' trial, in addition to testimony regarding vote buying, evidence was introduced that two witnesses had been threatened. The appellate court found that defendants	No	N/A	No

011115

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>failed to show evidence of prejudice with regard to denial of the motion for severance. Threat evidence was not excludable under Fed. R. Evid. 404(b) because it was admissible to show consciousness of guilt without any inference as to the character of defendants. Admission of witnesses' testimony was proper because each witness testified that he or she was approached by a</p>			

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EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					member of the conspiracy and offered money for his or her vote. The remaining incarcerated defendant's challenges to his sentence had merit because individuals who sold their votes were not "victims" for the purposes of U.S. Sentencing Guidelines Manual § 3A1.1. Furthermore, application of U.S. Sentencing Guidelines Manual § 3B1.1(b) violated			

011118

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					defendant's Sixth Amendment rights because it was based on facts that defendant did not admit or proved to the jury beyond a reasonable doubt. Defendants' convictions were affirmed. The remaining incarcerated defendant's sentence was vacated and his case was remanded for resentencing in accordance with Booker.			
Nugent v. Phelps	Court of Appeal of	816 So. 2d 349; 2002	April 23, 2002	Plaintiff incumbent	The incumbent argued that: (1)	No	N/A	No



EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
	Louisiana, Second Circuit	La. App. LEXIS 1138		police chief sued defendant challenger, the winning candidate, to have the election nullified and a new election held based on numerous irregularities and unlawful activities by the challenger and his supporters. The challenger won the election by a margin of four votes. At the end of the incumbent's	the number of persons who were bribed for their votes by the challenger's worker was sufficient to change the outcome of the election; (2) the trial judge failed to inform potential witnesses that they could be given immunity from prosecution for bribery of voters if they came forth with truthful testimony; (3) the votes of three of his ardent supporters			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				case, the district court for the dismissed his suit. The incumbent appealed.	should have been counted because they were incarcerated for the sole purpose of keeping them from campaigning and voting; and (4) the district attorney, a strong supporter of the challenger, abused his power when he subpoenaed the incumbent to appear before the grand jury a week preceding the election. The appellate court held no more than two votes would be			

011121

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					subtracted, a difference that would be insufficient to change the election result or make it impossible to determine. The appellate court found the trial judge read the immunity portion of the statute to the potential witnesses. The appellate court found the arrests of the three supporters were the result of grand jury indictments, and there was no manifest error in holding that the			

011122

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					incumbent failed to prove a scheme by the district attorney. The judgment of the trial court was affirmed.			
Eason v. State	Court of Appeals of Mississippi	2005 Miss. App. LEXIS 1017	December 13, 2005	Defendant appealed a decision of circuit court convicting him of one count of conspiracy to commit voter fraud and eight counts of voter fraud.	Defendant was helping with his cousin's campaign in a run--off election for county supervisor. Together, they drove around town, picking up various people who were either at congregating spots or their homes. Defendant would drive the voters to the clerk's office	No	N/A	No

011123

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>where they would vote by absentee ballot and defendant would give them beer or money. Defendant claimed he was entitled to a mistrial because the prosecutor advanced an impermissible "sending the message" argument. The court held that it was precluded from reviewing the entire context in which the argument arose because, while the prosecutor's closing</p>			

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EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>argument was in the record, the defense counsel's closing argument was not. Also, because the prosecutor's statement was incomplete due to defense counsel's objection, the court could not say that the statement made it impossible for defendant to receive a fair trial.</p> <p>Furthermore, the trial judge did not abuse his discretion when he did not allow defendant</p>			

011125

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					to ask the individual whether she wanted to see defendant go to prison because the individual's potential bias was shown by the individual's testimony that she expected the prosecution to recommend her sentence. The court affirmed defendant's conviction.			
United States v. Turner	United States District Court for the Eastern District of Kentucky	2005 U.S. Dist. LEXIS 31709	November 30, 2005	Defendants were charged with committing mail fraud and conspiracy to commit mail fraud and	Defendants argued that recusal was mandated by 28 U.S.C.S. § 455(a) and (b)(1). The court found no merit in defendants'	No	N/A	No

011126

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				vote--buying. First defendant filed a motion to recuse. Second defendant's motion to join the motion to recuse was granted. First defendant moved to compel the Government to grant testimonial use immunity to second defendant and moved to sever defendants.	arguments. The fact that the judge's husband was the commissioner of the Kentucky Department of Environmental Protection, a position to which he was appointed by the Republican Governor, was not relevant. The judge's husband was neither a party nor a witness. The court further concluded that no reasonable person could find that the judge's spouse had any direct			



EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					<p>interest in the instant action. As for issue of money donated by the judge's husband to Republican opponents of first defendant, the court could not discern any reason why such facts warranted recusal. First defendant asserted that second defendant should have been granted use immunity based on a belief that second defendant would testify that first defendant did</p>			

011128

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					not agree to, possess knowledge of, engage in, or otherwise participate in any of the illegal activity alleged in the indictment. The court found the summary of expected testimony to be too general to grant immunity. In addition, it was far from clear whether the court had the power to grant testimonial use immunity to second defendant. Defendants' motion to recuse			

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EAC Voting Fraud-Voter Intimidation Preliminary Research  
Vote Buying Cases

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Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					was denied. First defendant's motions to compel and to sever were denied.			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Felon Voting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
Ways v. Shively	Supreme Court of Nebraska	264 Neb. 250; 646 N.W.2d 621; 2002 Neb. LEXIS 158	July 5, 2002	Appellant felon filed a writ of mandamus, which sought to compel appellee Election Commissioner of Lancaster County, Nebraska, to permit him to register to vote. The District Court for Lancaster County denied the felon's petition for writ of mandamus and dismissed the petition. The felon appealed.	The felon was discharged from the Nebraska State Penitentiary in June 1998 after completing his sentences for the crimes of pandering, carrying a concealed weapon and attempting to possess a controlled substance. The commissioner asserted that as a result of the felon's conviction, the sentence for which had neither been reversed nor annulled, he had lost his right to vote. The commissioner contended that the	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Felon Voting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					only method by which the felon's right to vote could be restored was through a warrant of discharge issued by the Nebraska Board of Pardons--a warrant of discharge had not been issued. The supreme court ruled that the certificate of discharge issued to the felon upon his release did not restore his right to vote. The supreme court ruled that as a matter of law, the specific right to vote was not restored to the felon upon his discharge from incarceration at the			

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EAC Voting Fraud-Voter Intimidation Preliminary Research  
Felon Voting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					completion of his sentences. The judgment was affirmed.			
Fischer v. Governor	Supreme Court of New Hampshire	145 N.H. 28; 749 A.2d 321; 2000 N.H. LEXIS 16	March 24, 2000	Appellant State of New Hampshire challenged a ruling of the superior court that the felon disenfranchisement statutes violate N.H. Const. pt. I, Art. 11.	Appellee was incarcerated at the New Hampshire State Prison on felony convictions. When he requested an absentee ballot to vote from a city clerk, the request was denied. The clerk sent him a copy of N.H. Rev. Stat. Ann. § 607(A)(2) (1986), which prohibits a felon from voting "from the time of his sentence until his final discharge." The trial court declared the disenfranchisement	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Felon Voting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					statutes unconstitutional and ordered local election officials to allow the plaintiff to vote. Appellant State of New Hampshire challenged this ruling. The central issue was whether the felon disenfranchisement statutes violated N.H. Const. pt. I, art. 11. After a review of the article, its constitutional history, and legislation pertinent to the right of felons to vote, the court concluded that the legislature retained the authority under			

011134

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Felon Voting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					the article to determine voter qualifications and that the felon disenfranchisement statutes were a reasonable exercise of legislative authority, and reversed. Judgment reversed because the court concluded that the legislature retained its authority under the New Hampshire Constitution to determine voter qualifications and that the felon disenfranchisement statutes were a reasonable exercise of legislative			

011135



EAC Voting Fraud-Voter Intimidation Preliminary Research  
Felon Voting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					authority.			
Mixon v. Commonwealth	Commonwealth Court of Pennsylvania	759 A.2d 442; 2000 Pa. Commw. LEXIS 534	September 18, 2000	Respondents filed objections to petitioners' complaint seeking declaratory relief as to the unconstitutionality of the Pennsylvania Election Code, 25 Pa. Cons. Stat. §§ 2600 -- 3591, and the Pennsylvania Voter Registration Act, 25 Pa. Cons. Stat. §§ 961.101--961.5109, regarding felon voting rights.	Petitioner convicted felons were presently or had formerly been confined in state prison. Petitioner elector was currently registered to vote in respondent state. Petitioners filed a complaint against respondent state seeking declaratory relief challenging as unconstitutional, state election and voting laws that excluded confined felons from the definition of qualified absentee electors and that barred a felon who had been released	No	N/A	No

011136

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Felon Voting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					from a penal institution for less than five years from registering to vote. Respondents filed objections to petitioners' complaint. The court sustained respondents' objection that incarcerated felons were not unconstitutionally deprived of qualified absentee elector status because respondent state had broad power to determine the conditions under which suffrage could be exercised. However, petitioner elector had no standing			

011137

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Felon Voting Cases

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					and the court overruled objection as to deprivation of ex--felon voting rights. The court sustained respondents' objection since incarcerated felons were not unconstitutionally deprived of qualified absentee elector status and petitioner elector had no standing, but objection that ex--incarcerated felons' voting rights were deprived was overruled since status penalized them.			
NAACP Philadelphia	United States District Court	2000 U.S.	August 14, 2000	Plaintiffs moved for a preliminary	Plaintiffs, ex--felon,	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Felon Voting Cases

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Branch v. Ridge	for the Eastern District of Pennsylvania	Dist. LEXIS 11520		injunction, which the parties agreed to consolidate with the merits determination for a permanent injunction, in plaintiffs' civil rights suit contending that the Pennsylvania Voter Registration Act, offended the Equal Protection Clause of U.S. Const. amend. XIV.	unincorporated association, and others, filed a civil rights suit against defendant state and local officials, contending that the Pennsylvania Voter Registration Act, violated the Equal Protection Clause by prohibiting some ex--felons from voting during the five year period following their release from prison, while permitting other ex--felons to vote. Plaintiffs conceded that one plaintiff lacked standing, and the court assumed the remaining			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Felon Voting Cases

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					<p>plaintiffs had standing. The court found that all that all three of the special circumstances necessary to invoke the Pullman doctrine were present in the case, but found that abstention was not appropriate under the circumstances since it did not agree with plaintiffs' contention that the time constraints caused by the upcoming election meant that the option of pursuing their claims in state court did not offer plaintiffs an adequate remedy.</p>			

011140

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Felon Voting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					Plaintiff's motion for permanent injunction denied; the court abstained from deciding merits of plaintiffs' claims under the Pullman doctrine because all three of the special circumstances necessary to invoke the doctrine were present in the case; all further proceedings stayed until further order.			
Farrakhan v. Locke	United States District Court for the Eastern District of Washington	2000 U.S. Dist. LEXIS 22212	December 1, 2000	Plaintiffs, convicted felons who were also racial minorities, sued defendants for alleged violations of the Voting Rights Act. The parties filed cross-motions for	The felons alleged that Washington's felon disenfranchisement and restoration of civil rights schemes, premised upon Wash. Const. art. VI § 3, resulted in the denial of the	No	N/A	No

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Felon Voting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
				summary judgment.	right to vote to racial minorities in violation of the VRA. They argued that race bias in, or the discriminatory effect of, the criminal justice system resulted in a disproportionate number of racial minorities being disenfranchised following felony convictions. The court concluded that Washington's felon disenfranchisement provision disenfranchised a disproportionate number of minorities; as a result, minorities were under--represented in			

011142

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Felon Voting Cases

Name of Case	Court	Citation	Date	Facts	Holding	Statutory Basis (if of Note)	Other Notes	Should the Case be Researched Further
					Washington's political process. The Rooker--Feldman doctrine barred the felons from bringing any as--applied challenges, and even if it did not bar such claims, there was no evidence that the felons' individual convictions were born of discrimination in the criminal justice system. However, the felons' facial challenge also failed. The remedy they sought would create a new constitutional problem, allowing disenfranchisement only of white			



EAC Voting Fraud-Voter Intimidation Preliminary Research  
Felon Voting Cases

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					felons. Further, the felons did not establish a causal connection between the disenfranchisement provision and the prohibited result. The court granted defendants' motion and denied the felons' motion for summary judgment.			
Johnson v. Bush	United States District Court for the Southern District of Florida	214 F. Supp. 2d 1333; 2002 U.S. Dist. LEXIS 14782	July 18, 2002	Plaintiff felons sued defendant state officials for alleged violations of their constitutional rights. The officials moved and the felons cross-moved for summary judgment.	The felons had all successfully completed their terms of incarceration and/or probation, but their civil rights to register and vote had not been restored. They alleged that Florida's disenfranchisement	No	N/A	No

011164

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Felon Voting Cases

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					law violated their rights under First, Fourteenth, Fifteenth, and Twenty--Fourth Amendments to the United States Constitution, as well as § 1983 and §§ 2 and 10 of the Voting Rights Act of 1965. Each of the felons' claims was fatally flawed. The felons' exclusion from voting did not violate the Equal Protection or Due Process Clauses of the United States Constitution. The First Amendment did not guarantee felons the right to vote. Although there was evidence			

EAC Voting Fraud-Voter Intimidation Preliminary Research  
Felon Voting Cases

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					that racial animus was a factor in the initial enactment of Florida's disenfranchisement law, there was no evidence that race played a part in the re--enactment of that provision. Although it appeared that there was a disparate impact on minorities, the cause was racially neutral. Finally, requiring the felons to pay their victim restitution before their rights would be restored did not constitute an improper poll tax or wealth qualification. The court granted the			

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EAC Voting Fraud-Voter Intimidation Preliminary Research  
Felon Voting Cases

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					officials' motion for summary judgment and implicitly denied the felons' motion. Thus, the court dismissed the lawsuit with prejudice.			
King v. City of Boston	United States District Court for the District of Massachusetts	2004 U.S. Dist. LEXIS 8421	May 13, 2004	Plaintiff inmate filed a motion for summary judgment in his action challenging the constitutionality of Mass. Gen. Laws ch. 51, § 1, which excluded incarcerated felons from voting while they were imprisoned.	The inmate was convicted of a felony and incarcerated. His application for an absentee ballot was denied on the ground that he was not qualified to register and vote under Mass. Gen. Laws ch. 51, § 1. The inmate argued that the statute was unconstitutional as it applied to him because it amounted to	No	N/A	No

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